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Friday, December 28, 2007

The Honorable Byron Dorgan  
United States Senate  
Washington, DC 20510

Dear Senator Dorgan:

This is in response to an inquiry we received from your office regarding the amendment we drafted to prohibit the use of funds for a demonstration program to allow Mexico-domiciled motor carriers to operate beyond certain commercial zones. The amendment we drafted was incorporated into section 136 of title I of division K (Transportation, Housing and Urban Development, and related agencies Appropriations Act, 2008) of the Consolidated Appropriations Act, 2008, signed by the President on December 26, 2007.

This language was drafted to carry out the intent of Congress that no funds made available under the Consolidated Appropriations Act, 2008 were to be used in fiscal year 2008 to establish or implement a cross-border motor carrier demonstration program to allow Mexico-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico. The phrase "and implement" was not included because it was felt that the phrase "establish" was to be construed in its broadest context and that such a broad construction would include implementation. In fact, the legislative history in the Senate indicates that it was intended to preclude the carrying out of any demonstration program, including the pilot program put into effect in September 2007.

Sincerely,



Polly W. Craighill  
Legislative Counsel